

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)

SBC Companies' Petition for Extension)
of Time of Local Number)
Portability Implementation)

CC Docket No. 95-116

**COMMENTS OF TIME WARNER
COMMUNICATIONS HOLDINGS INC.**

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March 9, 1998

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Time Warner Communications Holdings Inc. ("TWComm") files these comments regarding the Petition for Extension of Time of SBC Corporation.¹ ("Petition").

The Commission should not grant the instant Petition before reviewing closely the manner in which SBC has gone about implementing long term number portability ("LNP"). The Commission has gone out of its way to ensure that its LNP implementation schedule provides carriers with adequate time to make all necessary LNP upgrades. Thus, in the First Reconsideration Order,² the FCC limited the incumbent LECs' upgrade obligations to those switches in the top 100 MSAs for

¹ The Petition was filed in the names of the former entities Southwestern Bell Telephone Corporation ("SWBT") and PacBel. They have merged into SBC Corporation ("SBC"). The problems faced by SBC apparently are identical in both the former SWBT and PacBel regions, and thus TWComm refers throughout these comments to SBC, not to SWBT or PacBel.

² See Telephone Number Portability, First Memorandum Opinion and Order on Reconsideration, CC Docket No. 95-116, RM-8535 (March 11, 1997).

which a carrier has requested number portability.³ In addition, the Commission extended the deadlines for Phases I and II of its original implementation schedule by three months and 45 days respectively.⁴ In so doing, the Commission explicitly followed the recommendation in a Bellcore network impact study commissioned by SBC and submitted in support of SBC's petition for reconsideration in this docket.⁵ Thus, the FCC's modified schedule should have provided SBC more than enough time to upgrade its network. Given that SBC has the incentive to delay LNP as long as possible, the Commission should view this and any further waivers with skepticism.

Moreover, the Commission should exercise the full range of enforcement mechanisms available to it to ensure compliance with its number portability rules, including denying SBC's requested authorization to acquire SNET and denying any SBC Section 271 applications unless and until SBC meets its number portability obligations. More generally, the Commission should not hesitate to impose fines (pursuant to its authority under Section

³ See id. at ¶¶ 59-71.

⁴ See id. at ¶¶ 78-84.

⁵ See id. at ¶ 84 ("Although the findings of the Bellcore study submitted by SBC were vigorously challenged by AT&T and MCI, it bears mention that extending the Phase I completion date by three months is responsive to the recommendation in the Bellcore study that we should allow additional 'time for testing, integration, and soaking . . . of the software.' In fact, the Bellcore study specifically recommended that the Commission 'extend the time interval for introduction of [number portability] by 3 months'").

503(b)(2)(B) of the Act) on carriers that repeatedly fail to meet its LNP schedule.

Beyond its underlying merits, however, the extension of time requested in the Petition gives rise to two long term number portability issues not addressed in the Petition. First, though SBC seeks to push back the date by which it must implement LNP in the Houston, Texas⁶ metropolitan statistical area ("MSA"), it does not specify that it will maintain interim number portability ("INP") throughout the intervening period. This could result in a period after its stated INP termination date and prior to a new, extended LNP date during which SBC will no longer honor its interim porting obligations. Second, the Petition is specific to SBC and covers neither the other ILEC in Houston -- GTE Service Corporation ("GTE") -- nor CLECs such as TWComm. As such, grant of the Petition, without a concomitant extension of time for CLECs interconnected to SBC to implement LNP, would result in CLECs being required -- but unable -- to port numbers to and from SBC.

TWComm remains committed to implementing LNP in its local exchange network in the Houston MSA. When the March 31, 1998 Phase I deadline arrives, TWComm will begin querying and porting to and from GTE's and all CLECs' number portable NXXs in the Houston MSA. If the instant Petition is granted, however, TWComm will not be able to port to and from SBC's Houston network due

⁶ Houston is the only Phase I MSA in SBC's region in which TWComm has entered or will soon enter.

solely to SBC's difficulties with its Signal Transfer Point ("STP") upgrades. As SBC states,

the implementation of LNP throughout SWBT . . . utilizes the DSC Communications' STP to perform Message Relay Service (which routes Signaling System 7 messages) to the correct network for advanced services . . . and also provides the Location Routing Number Database ("LRN") (which provides the LRN used by the querying switch and subsequent switches to route the call to a ported number to the correct serving switch.) In testing, three significant issues have been uncovered relating to [the performance of SBC's LNP systems.]⁷

Until SBC can fix those problems, it cannot fully implement LNP and therefore, will be unable to process other networks' LNP service requests.

SBC's unique situation not only warrants the Commission carefully considering the relief requested in the Petition, but also demands that the Commission consider the two issues raised herein by TWComm. To resolve the first issue mentioned -- the potential period in which SBC may have neither INP nor LNP -- the Commission must simply condition any waiver it may grant in this instance upon SBC maintaining INP until the new date by which the Commission requires SBC to implement LNP. To resolve the second issue -- the inability of SBC's network to process other carriers' LNP service requests -- the Commission must waive until the new implementation date assigned to SBC the deadline by which CLECs must begin to port numbers to and from SBC in the Houston MSA (and elsewhere as necessary). Tailoring a grant of the Petition in these ways will ensure that the transition to LNP in the Houston MSA will not be unnecessarily affected by SBC's

⁷ Petition at 2.

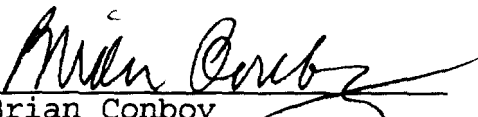
difficulties. It will also eliminate the possibility that IXC's and CLECs will be forced to file numerous waiver petitions before the deadline for implementation of LNP.

CONCLUSION

For the foregoing reasons, TWComm specifically requests that any grant of the Petition be conditioned in the following two ways:

- (1) SBC must maintain INP until the date it implements LNP; and
- (2) TWComm and others similarly situated must be given a waiver of the obligation to port numbers to and from SBC in the Houston MSA (and elsewhere) until the date upon which SBC implements LNP in that network.

Respectfully submitted,


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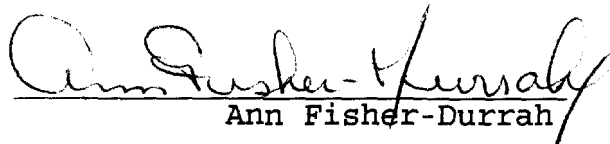
CERTIFICATE OF SERVICE

I, Ann Fisher-Durrah, do hereby certify that on this 9th day of March, 1998, copies of the foregoing Comments of Time Warner Communications Holdings Inc. were hand delivered to the following:

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